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PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

HARYANA ELECTRICITY REGULATORY COMMISSION

Notification

The 9th November, 2022

Regulation No. HERC/10/2005/7th Amendment/2022.— In exercise of the powers conferred on it by section 86(1)(g) read with section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, the Haryana Electricity Regulatory Commission makes the following regulations to amend the Haryana Electricity Regulatory Commission (Fee) Regulations, 2005 as under: -

1. Short title, commencement, and interpretation.

- (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Fee) Regulations, 2005, 7th Amendment Regulations, 2022.
- (2) These Regulations shall come into force from the date of their publication in the Haryana Government Gazette.
- (3) These Regulations shall extend to whole of the State of Haryana.

2. The existing regulation 3 (3) in the principle regulation shall be amended and read as under:

3. (3) The fee payable to the Commission as specified under these Regulations shall be non-refundable and paid by means of bank draft/RTGS/NEFT/IMPS or banker's cheque, drawn in favor of Secretary, Haryana Electricity Regulatory Commission, payable at Panchkula. In case of RTGS/NEFT/IMPS, the petitioner shall furnish to the Commission in writing through email/post to the Commission, the computational detail along with subject matter of the case, amount, UTR no. and date of deposit.

3. The following Schedule of Fee shall replace the existing schedule of fee appended to the amendment notified on 31st August, 2022.

Sr. No.	Particulars	Prescribed Fee
1.	Application Processing fee for grant of license under section 14 of the Act as prescribed by the State Government vide "Payment of Fees for Processing of Application for Grant of License Rules, 2005".	As prescribed by Haryana Government and amended from time to time.
2.	Annual Fee for Transmission/ Distribution/ Trading Licensees	
(a)	Annual Fees for determination of tariff / true-up and mid-term review for Transmission/ Distribution/ Retail Supply / Trading Licensees.	

Sr. No.	Particulars	Prescribed Fee
(i)	Transmission Licensee	¹ 0.05% of the amount of the Annual Revenue Requirement (ARR) including non-tariff income of the previous year subject to minimum of Rs. 25 lakhs
(ii)	Distribution Licensee	¹ 0.05% of the amount of the Annual Revenue Requirement (ARR) including non-tariff income of the previous year subject to minimum of Rs. 25 lakhs
(iii)	Intra-State Trading Licensee	¹ 0.05% of the value of power traded during the previous year subject to minimum of Rs. 25 lakhs
(iv)	Inter-State Trading Licensee	¹ 0.05% of the value of power traded during the previous year in relation to the intra-state trading undertaken by the petitioner in the State of Haryana subject to minimum of Rs. 25 lakhs
(b)	Licensees selected through competitive bid process	
(i)	Transmission licensee	¹ 0.05% of the amount of the Annual Revenue of the year based on bid adjusted for escalation factors, subject to a minimum of Rs. 25 lakhs
(ii)	Distribution licensee	¹ 0.05% of the amount of the Annual Revenue of the year based on bid adjusted for escalation factors, subject to a minimum of Rs. 25 lakhs
(c)	Deemed Licensee(s)	¹ 0.05% of the amount of the Annual Revenue of the year based on the estimated energy to be handled at input periphery of the petitioner licensee and average ARR of Distribution Licensees of the State per unit of the input energy at input periphery of the Licensees for the previous year, subject to a minimum of Rs. 25 lakhs
	¹ For new applicant, first year projected ARR shall be the basis for determination of Annual Fee subject to revision of fee corresponding to ARR determined by the Commission. The annual fee shall be paid in advance at the commencement of the financial year.	
3.	Petition for grant of deemed licensee status in Haryana	Rs. Two lakhs
4.	Petition for approval of Business Plan	Rs. One (1) lakh

Sr. No.	Particulars	Prescribed Fee
5.	Petition for approval of Capital Investment Plan	Rs. One (1) lakh
6.	Petition for determination of additional surcharge/FSA or any other charges to be recovered from the consumers in case not submitted along with the ARR	Rs. One (1) lakh.
7.	Application seeking prior approval under section 17 of the Electricity Act, 2003. (Except sale of Scrap)	² 0.01% of the value of the transaction for which approval is sought, subject to a minimum of Rs. 1 lakh and maximum of Rs. 30 lakhs.
	² when a part of asset is labelled as scrap by the licensees it is no longer part of the assets in use for the normal business activity of the utility and therefore out of the ambit of Section 17 of the Act.	
8.	Application for amendment of license under section 18 of the Electricity Act, 2003	Rs. Two Lakhs
9.	Petition for determination of rates, charges, terms and conditions under proviso to sub section (1) of section 36 of the Electricity Act, 2003	Rs. Two lakhs Fifty thousand (To be paid by each party)
10.	Petition for adjudication of disputes relating to providing of non- discriminatory open access (Long Term and Medium Term) under sub- section (47) of section 2 read with section 9, 40 and or 42 of the Electricity Act, 2003 and the regulations notified there under.	Rs. Two lakhs
11	Petition for determination of Tariff under provisions of clause (a) of sub-section (1) of section 62 of the Electricity Act, 2003	
A	Where annual determination of Tariff is involved	
(i)	(a) Conventional Fuel based power plants (coal, gas, liquid fuel etc.) (b) Hydro Stations (more than 25 MW capacity)	i. Upto 5 MW Rs.1 Lakh ii. Upto 25 MW Rs. 5 Lakh iii. Above 25 MW Rs. 10,000/- per MW of the Installed/ allocated Capacity subject to Minimum fee of Rs. 25 Lakhs
(ii)	(a) Non-conventional and/or Renewable sources of energy including co-generation-based power plants (b) Hydro Stations (upto 25 MW capacity) (Also see Note 1)	i. Upto 5 MW Rs. 1 Lakh ii. Upto 25 MW Rs. 5 Lakh iii. Above 25 MW Rs. 5,000/- per MW of the Installed/ allocated Capacity subject to a Minimum fee of Rs. 25 Lakhs
B	Tariff determination for Generating Stations other than those covered under "A" above	
(i)	(a) Conventional Fuel based powerplants (coal, gas, liquid fuel etc.) (b) Hydro Stations (more than 25 MW capacity)	i. Upto 5 MW Rs. 5 Lakh ii. Upto 25 MW Rs. 50 Lakhs iii. Above 25 MW Rs. 50,000/- per MW of the installed/ allocated Capacity subject to a Minimum fee of Rs. 1 crore
(ii)	(a) Non-conventional and/or Renewable sources of energy including co-generation-based power plants (b) Hydro Stations (upto 25 MW capacity) (Also see Note 1)	i. Upto 5 MW Rs. 5 Lakh ii. Upto 25 MW Rs. 50 Lakhs iii. Above 25 MW Rs. 25,000/- per MW of the installed/ allocated Capacity subject to a Minimum fee of Rs. 1 crore

Sr. No.	Particulars	Prescribed Fee
12	Adoption of Tariff u/s 63 of the Act.	
(i)	(a) Conventional Fuel based power plants (coal, gas, liquid fuel etc.) (b) Hydro Stations (more than 25 MW capacity) (Also see Note 1)	i. Upto 5 MW Rs. 1 Lakh ii. Upto 25 MW Rs. 10 Lakhs iii. Above 25 MW Rs. 2,000/- per MW of the installed/allocated Capacity subject to a Minimum fee of Rs. 20 Lakhs
(ii)	(a) Non-conventional and/or Renewable sources of energy including co-generation-based power plants (b) Hydro Stations (upto 25 MW capacity) (Also see Note 1)	i. Upto 5 MW Rs. 1 Lakh ii. Upto 25 MW Rs. 10 Lakhs iii. Above 25 MW Rs. 1,000/- per MW of the installed/allocated Capacity subject to a Minimum fee of Rs. 20 Lakhs
(iii)	Transmission Service Agreement	Rs. 500 per MW with a Minimum fee of Rs. 50,000/- (Fifty thousand)
13.	Application / Petition for approval of Power Purchase Agreement / Power Sale Agreement / Transmission Service Agreement including in principle approval. However, fee deposited in case of seeking in principle approval shall be adjusted when final approval is sought.	
(i)	(a) Conventional Fuel based power plants (coal, gas, liquid fuel etc.) (b) Hydro Stations (more than 25 MW capacity) (Also see Note 1)	Rs. Ten thousand per MW of the Contracted capacity with a Minimum of Rs. 50,000/- (Fifty thousand)
(ii)	(a) Non-conventional and/or Renewable sources of energy including co-generation-based power plants (b) Hydro Stations (less than 25 MW capacity) (Also see Note 1)	Rs. Five thousand per MW of the Contracted capacity subject to a Minimum of Rs. 50,000/- (Fifty thousand)
(iii)	Transmission Service Agreement	Rs. 2000 per MW subject to a Minimum of Rs. 50,000/- (Fifty thousand)
13.1	Application / Petition for approval of source of Power	
(i)	(a) Conventional Fuel based power plants (coal, gas, liquid fuel etc.) (b) Hydro Stations (more than 25 MW capacity) (Also see Note 1)	Rs. Ten thousand per MW of the Contracted capacity with a Minimum of Rs. 50,000/- (Fifty thousand)
(ii)	(a) Non-conventional and/or Renewable sources of energy including co-generation-based power plants (b) Hydro Stations (less than 25 MW capacity) (Also see Note 1)	Rs. Five thousand per MW of the Contracted capacity subject to a Minimum of Rs. 50,000/- (Fifty thousand)
14.	Petition for review of Order of the Commission. (Also see Note 2)	
(i)	Where fee is prescribed under this regulation	Rs. Two lakh or 50% of the Original Fee whichever is less subject to a minimum fee of Rs. 50,000/- (Fifty Thousand). However, exemption is granted to category of Small Consumers having a connected load below 20 kW for 20(i) and 20(ii)c
(ii)	Where review is sought of Suo Motu Orders	Rs. 50,000/ (Fifty thousand)

Sr. No.	Particulars	Prescribed Fee
(iii)	Where review is sought of Order under 20(iii) filed by any person other than the complainant covered under 20(iii)	As per category wise fee mentioned under 20 (ii)– Others
(iv)	Where review is sought of Order under 20(iii) filed by the complainant covered under 20(iii)	Nil
15.	Adjudication of dispute u/s 86 (1) (f) or u/s 35	Rs. 2,00,000/- (Two Lakhs)
16.	Request for inspection of documents / petition disposed of or under consideration of the Commission if permitted to be inspected	Rs. Five hundred per file/ per day
17.	Request for obtaining certified copies of order/ petition disposed of or under consideration of the Commission as may be permitted.	Rs. Five per page subject to a minimum of Rs. Fifty.
18.	Petition by SLDC on any matter not covered above.	Nil
19.	Surcharge for delay in submission of the Petition	0.004% per day (15% p.a.) from due date (if prescribed by the Commission) up to the actual date of submission.
20.	Fee for any Application / Petition not covered above.	
(i)	In case the application/petition is filed by the residents of the group housing society against Management/ Developer/ RWA	Rs.1,000/- (One thousand)
(ii)	Others	
	(a) By Utility/Licensee/ deemed licensee/ person granted exemption from license	Rs. 50,000/- (Rs. Fifty thousand)
	(b) By Institution/ Association/ Organization/ Company (Limited, Private Limited, Partnership) Proprietorship/Trust/Societies	Rs. 50,000/- (Rs. Fifty thousand)
	(c) Self Pleading Individual Consumer less than 20 kw	Rs.1,000/- (Rs. One thousand)
	(d) Interlocutory Applications (IA)	Rs. 5,000/ (Rs. Five thousand)
	(e) Others than (a) to (d) above	Rs. 50,000/- (Rs. FiftyThousand)
(iii)	³ Complaint under section 142 or section 146 of Electricity Act, 2003 provided that the person (complainant) consumes electricity for its own use and not for commercial purpose. Provided that in case review petition is filed by any person other than the complainant covered under 20(iv), fee for such review shall be as per clause 14(iii) Provided that in case review petition is filed by the complainant covered under 20(iv), fee is Nil.	Nil
	³ Complaint is a petition before the appropriate for a under the Consumer Act, and therefore, borrowing the principle of law from there, its fee is kept as nil.	
21.	Late Filing Fee: In case any party, in any proceedings, before this Commission fails to file reply, rejoinder, replication etc. in the Commission at least three days, or as may be directed by the Commission, prior to the scheduled date of hearing, the defaulting party(ies) shall be liable for the following late filing fee: First default : Rs. 5,000/- (Five Thousand) Second default : Rs. 10,000/- (Ten Thousand) Third default : Rs. 15,000/- (Fifteen Thousand) Provided, in any case of continued default, it shall be construed as non-compliance of the Commission's order and liable for penal action as per the provisions of Section 142 and Section 146 of the Electricity Act, 2003.	
	The cost of advertisement of public notices by the Commission in the newspapers in petition(s) where comments/ objections of general public/ Stakeholders are required shall be borne by the parties concerned if so ordered by the Commission.	

Notes

1. The classification of projects falling under Non-conventional and/or Renewable sources of energy is based on the relevant provisions of the National Tariff Policy.
2. Petition under the clause of removal of difficulty is not an application for review of Order. Such cases will be covered in “20. Fee for any Application / Petition not covered above”.
3. All fee should be rounded off to the nearest hundred Rupees except for fee at point 17.
4. Provided that fees paid at the time of power purchase source approval will be counted towards PPA approval, if PPA approval is sought separately i.e. fees shall be paid either for source approval or for PPA approval and not for both.

By the order of the Commission

Panchkula:
The 9th November, 2022.

(Sd.)...,
Director/Tariff
HERC.

[474—1]